

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2012 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

FEBRUARY 29, 2012

**HOUSE FILE 2290**

**H-8065**

1 Amend House File 2290 as follows:  
2 1. Page 1, by striking lines 1 through 15.  
3 2. Page 1, by striking lines 18 through 23.  
4 3. Page 1, after line 29 by inserting:  
5 <NEW SUBSECTION. 25A. "Organic law" means a  
6 statute principally governing the internal affairs of  
7 a domestic or foreign business corporation, nonprofit  
8 corporation, or unincorporated entity.  
9 NEW SUBSECTION. 25B. "Organic record" means a  
10 public organic record or private organic record.  
11 NEW SUBSECTION. 27A. "Private organic record"  
12 means any record, other than a public organic record,  
13 if any, that determines the internal governance of an  
14 unincorporated entity. Where a private organic record  
15 has been amended or restated, "private organic record"  
16 means the private organic record as last amended or  
17 restated.  
18 NEW SUBSECTION. 29A. "Public organic record" means  
19 the record, if any, that is filed of public record,  
20 to create an unincorporated entity. Where a public  
21 organic record has been amended or restated, "public  
22 organic record" means the public organic record as last  
23 amended or restated.  
24 NEW SUBSECTION. 29B. "Record" means information  
25 that is inscribed on a tangible medium or that  
26 is stored in an electronic or other medium and is  
27 retrievable in perceivable form.>  
28 4. Page 2, by striking lines 7 through 13 and  
29 inserting:  
30 <Sec. \_\_\_\_\_. Section 504.141, subsection 15, Code  
31 2011, is amended to read as follows:>  
32 5. By striking page 2, line 23, through page 3,  
33 line 3.  
34 6. Page 5, line 13, by striking <subsection 3  
35 section 504.813> and inserting <subsection 3>  
36 7. By striking page 5, line 17, through page 6,  
37 line 31.  
38 8. Page 7, by striking lines 22 through 35.  
39 9. Page 8, by striking lines 24 and 25.  
40 10. Page 9, line 33, after <company> by inserting  
41 <organic record of the surviving>  
42 11. By striking page 9, line 35, through page 10,  
43 line 10.  
44 12. Page 10, line 14, by striking <corporation,>  
45 and inserting <corporation>  
46 13. Page 10, by striking lines 15 through 17 and  
47 inserting <liability company an unincorporated entity,  
48 provided that all of the following apply>  
49 14. Page 10, by striking line 21 and inserting  
50 <subparagraph (2), Code 2011, is amended to read as>

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Page 2

- 1 15. Page 10, by striking lines 24 and 25 and
- 2 inserting <liability company unincorporated entity>
- 3 16. Page 10, by striking lines 30 through 35.
- 4 17. Page 11, by striking lines 9 and 10 and
- 5 inserting <country under whose law each foreign
- 6 corporation is incorporated or foreign unincorporated
- 7 entity is organized and each foreign>
- 8 18. By renumbering as necessary.

By SWAIM of Davis

**H-8065** FILED FEBRUARY 28, 2012

**HOUSE FILE 2320**

**H-8059**

- 1 Amend House File 2320 as follows:
- 2 1. Page 2, by striking lines 8 through 10 and
- 3 inserting <designation of the existing area agencies
- 4 on aging and designate a new area agency on aging to
- 5 represent each planning and service area effective no
- 6 later than July 1, 2013.>

By JORGENSEN of Woodbury

**H-8059** FILED FEBRUARY 28, 2012

**HOUSE FILE 2340**

**H-8057**

- H Amend House File 2340 as follows:
- 2 1. Page 14, after line 23 by inserting:
- 3 <Sec. \_\_\_\_\_. 2009 Iowa Acts, chapter 169, section 4,
- 4 subsection 2, as amended by 2011 Acts, chapter 127,
- 5 section 53, is amended to read as follows:
- 6 2. From the moneys appropriated in this section,
- 7 there is transferred to the department of human rights
- 8 two hundred fifty thousand dollars for deposit in the
- 9 individual development account state match fund created
- 10 in section 541A.7. Notwithstanding other provisions to
- 11 the contrary in section 541A.3, subsection 1, moneys
- 12 appropriated to the individual development account
- 13 state match fund under this subsection ~~shall~~ may be
- 14 used to provide the state match to account holders
- 15 affected by a natural disaster for which the president
- 16 of the United States declared a disaster area, and who
- 17 have a household income that is equal to or less than
- 18 three hundred percent of the federal poverty level as
- 19 defined by the most recently revised poverty income
- 20 guidelines published by the United States department of
- 21 health and human services.>
- 22 2. Title page, by striking lines 7 and 8 and
- 23 inserting <of ownership shares, superintendent
- 24 management authority, individual development accounts
- 25 held at credit unions and other financial institutions,
- 26 and making penalties applicable.>

By IVERSON of Wright

**H-8057** FILED FEBRUARY 28, 2012

**Senate Amendment to**  
**HOUSE FILE 589**

**H-8063**

1 Amend House File 589, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 717A.1, Code 2011, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 2A. "Agricultural production  
8 facility" means an animal facility as defined in  
9 subsection 4, paragraph "a", or a crop operation  
10 property.

11 Sec. 2. NEW SECTION. 717A.3A Agricultural  
12 production facility fraud.

13 1. A person is guilty of agricultural production  
14 facility fraud if the person willfully does any of the  
15 following:

16 a. Obtains access to an agricultural production  
17 facility by false pretenses.

18 b. Makes a false statement or representation as  
19 part of an application or agreement to be employed  
20 at an agricultural production facility, if the  
21 person knows the statement to be false, and makes  
22 the statement with an intent to commit an act not  
23 authorized by the owner of the agricultural production  
24 facility, knowing that the act is not authorized.

25 2. A person who commits agricultural production  
26 facility fraud under subsection 1 is guilty of the  
27 following:

28 a. For the first conviction, a serious misdemeanor.

29 b. For a second or subsequent conviction, an  
30 aggravated misdemeanor.

31 3. a. A person who conspires to commit  
32 agricultural production facility fraud under subsection  
33 1 is subject to the provisions of chapter 706. A  
34 person who aids and abets in the commission of  
35 agricultural production facility fraud under subsection  
36 1 is subject to the provisions of chapter 703. When  
37 two or more persons, acting in concert, knowingly  
38 participate in committing agricultural production  
39 facility fraud under subsection 1, each person is  
40 responsible for the acts of the other person as  
41 provided in section 703.2. A person who has knowledge  
42 that agricultural production facility fraud under  
43 subsection 1 has been committed and that a certain  
44 person committed it, and who does not stand in the  
45 relation of husband or wife to the person committing  
46 the agricultural production facility fraud under  
47 subsection 1, and who harbors, aids, or conceals  
48 the person committing the agricultural production  
49 facility fraud under subsection 1, with the intent to  
50 prevent the apprehension of the person committing the

**H-8063**

1 agricultural production facility fraud under subsection  
2 1, is subject to section 703.3.

3 b. A trial information or an indictment relating to  
4 agricultural production facility fraud under subsection  
5 1 need not contain allegations of vicarious liability  
6 as provided in chapter 703.

7 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being  
8 deemed of immediate importance, takes effect upon  
9 enactment.>

10 2. Title page, line 1, by striking <offenses> and  
11 inserting <an offense>

12 3. Title page, line 2, by striking <penalties and  
13 remedies> and inserting <penalties, and including  
14 effective date provisions>

RECEIVED FROM THE SENATE

HOUSE FILE 2221

H-8068

1 Amend House File 2221 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 441.21, Code Supplement 2011,  
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 13. a. Beginning with valuations  
7 established on or after January 1, 2013, as used in  
8 this section, "residential property" includes that  
9 portion of a building or structure situated on the  
10 stories above the ground floor that is used for human  
11 habitation and a proportionate share of the land upon  
12 which the building or structure is situated, even if  
13 the use for human habitation is not the primary use  
14 of the building or structure, if all of the following  
15 apply:

16 (1) The building or structure consists of three or  
17 fewer stories above grade.

18 (2) The ground floor of the building or structure  
19 is used for commercial purposes and not for human  
20 habitation except for providing access to stories above  
21 the ground floor.

22 (3) The stories above the ground floor contain in  
23 the aggregate two or fewer dwelling units.

24 b. Accordingly, the assessor may assign more than  
25 one classification to a parcel of property satisfying  
26 the requirements of this subsection. In no case,  
27 however, shall a hotel, motel, inn, or other building  
28 where rooms are usually rented for less than one  
29 month, a nursing home, or a rest home be classified as  
30 residential property under this subsection. Property  
31 described in this subsection and located in an urban  
32 renewal area for which an ordinance providing for a  
33 division of revenue was adopted before July 1, 2012,  
34 and is in effect on the date of the assessment shall  
35 not be classified as residential property under this  
36 subsection.

37 c. "Dwelling unit" means an apartment, group of  
38 rooms, or single room which is occupied as separate  
39 living quarters or, if vacant, is intended for  
40 occupancy as separate living quarters, in which a  
41 tenant can live and sleep separately from any other  
42 persons in the building.>

**By** HORBACH of Tama

H-8068 FILED FEBRUARY 28, 2012

HOUSE FILE 2289

H-8058

1 Amend House File 2289 as follows:  
2 1. Page 2, after line 7 by inserting:  
3 <Sec. \_\_\_\_\_. Section 602.1215, Subsection 1, Code  
4 2011, is amended to read as follows:  
5 602.1215 Clerk of the district court.  
6 1. Subject to the provisions of section 602.1209,  
7 subsection 3, ~~the district judges of each chief judge~~  
8 ~~of the judicial election district, after consultation~~  
9 ~~with the district judges of the district, shall by~~  
10 ~~majority vote~~ appoint persons to serve as clerks of the  
11 district court within the judicial ~~election~~ district.  
12 ~~The district judges of a judicial election district~~  
13 ~~chief judge~~ may appoint a person to serve as clerk of  
14 the district court for more than one but not more than  
15 four contiguous counties in the same judicial district.  
16 A person does not qualify for appointment to the office  
17 of clerk of the district court unless the person is at  
18 the time of application a resident of the state. A  
19 clerk of the district court may be removed from office  
20 for cause by ~~a majority vote of the district judges~~  
21 ~~of the chief judge of the judicial election~~ district.  
22 ~~Before~~ Prior to removal, the clerk of the district  
23 court shall be notified of the cause for removal.>  
24 2. Title page, by striking lines 1 and 2 and  
25 inserting <An Act relating to the appointment of  
26 certain judicial officers and the clerks of the  
27 district court.>

By ANDERSON of Page J. TAYLOR of Woodbury  
HALL of Woodbury JORGENSEN of Woodbury

H-8058 FILED FEBRUARY 28, 2012

HOUSE FILE 2292

H-8071

1 Amend House File 2292 as follows:  
2 1. Page 1, line 10, before <A> by inserting <1.>  
3 2. Page 1, after line 13 by inserting:  
4 <2. Notwithstanding any other law to the contrary,  
5 if a person is required to obtain a construction permit  
6 for a confinement feeding operation for confining  
7 fish as required under chapter 459, the person shall  
8 be required to have the siting of such confinement  
9 approved by the county board of supervisors as a  
10 requirement for approval of a construction permit.>

By ISENHART of Dubuque

H-8071 FILED FEBRUARY 28, 2012

HOUSE FILE 2305

H-8060

1 Amend House File 2305 as follows:

2 1. Page 4, by striking lines 12 through 17.

3 2. By renumbering as necessary.

**By** JORGENSEN of Woodbury

H-8060 FILED FEBRUARY 28, 2012

HOUSE FILE 2335

H-8067

1 Amend the amendment, H-8044, to House File 2335 as  
2 follows:

3 1. Page 1, by striking lines 2 through 17 and  
4 inserting:

5 <\_\_\_\_. By striking page 8, line 4, through page 9,  
6 line 33, and inserting:

7 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 134, section 34,  
8 is amended to read as follows:

9 SEC. 34. JUDICIAL DISTRICT DEPARTMENTS OF  
10 CORRECTIONAL SERVICES.

11 1. There is appropriated from the general fund of  
12 the state to the department of corrections for the  
13 fiscal year beginning July 1, 2012, and ending June  
14 30, 2013, for salaries, support, maintenance, and  
15 miscellaneous purposes, the following amounts, or  
16 so much thereof as is necessary, to be allocated as  
17 follows:

18 a. For the first judicial district department of  
19 correctional services:

20 ..... \$ ~~6,102,474~~  
21 14,193,633

22 b. For the second judicial district department of  
23 correctional services:

24 ..... \$ ~~5,168,474~~  
25 10,595,835

26 c. For the third judicial district department of  
27 correctional services:

28 ..... \$ ~~2,799,883~~  
29 7,143,585

30 d. For the fourth judicial district department of  
31 correctional services:

32 ..... \$ ~~2,695,678~~  
33 5,441,802

34 e. For the fifth judicial district department of  
35 correctional services, including funding for electronic  
36 monitoring devices for use on a statewide basis:

37 ..... \$ ~~9,371,065~~  
38 19,049,459

39 f. For the sixth judicial district department of  
40 correctional services:

41 ..... \$ ~~6,556,282~~  
42 15,157,577

43 g. For the seventh judicial district department of  
44 correctional services:

45 ..... \$ ~~3,246,407~~  
46 7,610,054

47 h. For the eighth judicial district department of  
48 correctional services:

49 ..... \$ ~~3,439,858~~  
50 8,258,414

H-8067



1     1A. As a condition of receiving an appropriation  
2 in subsection 1 and to enhance the safety of the  
3 general public, the judicial district departments  
4 of correctional services, in cooperation with  
5 the department of corrections, shall designate a  
6 facility for persons who are placed in a transitional  
7 release program under chapter 229A or discharged  
8 from commitment as a sexually violent predator under  
9 chapter 229A because the person is in need of medical  
10 treatment.

11     2. Each judicial district department of  
12 correctional services, within the funding available,  
13 shall continue programs and plans established within  
14 that district to provide for intensive supervision, sex  
15 offender treatment, diversion of low-risk offenders  
16 to the least restrictive sanction available, job  
17 development, and expanded use of intermediate criminal  
18 sanctions.

19     3. Each judicial district department of  
20 correctional services shall provide alternatives to  
21 prison consistent with chapter 901B. The alternatives  
22 to prison shall ensure public safety while providing  
23 maximum rehabilitation to the offender. A judicial  
24 district department of correctional services may also  
25 establish a day program.

26     4. The governor's office of drug control policy  
27 or any succeeding entity of the governor's office of  
28 drug control policy shall consider federal grants made  
29 to the department of corrections for the benefit of  
30 each of the eight judicial district departments of  
31 correctional services as local government grants, as  
32 defined pursuant to federal regulations.

33     5. The department of corrections shall continue  
34 to contract with a judicial district department  
35 of correctional services to provide for the rental  
36 of electronic monitoring equipment which shall be  
37 available statewide.

38     5A. Authorization under section 8.39, section 35  
39 of this division of this Act, and any other provision  
40 authorizing the transfer of moneys for fiscal year  
41 2012-2013 are not applicable to the moneys appropriated  
42 in this section.>>

By T. OLSON of Linn

**HOUSE FILE 2335**

**H-8069**

1 Amend House File 2335 as follows:

2 1. Page 9, after line 10 by inserting:

3 <1A. As a condition of receiving an appropriation  
4 in subsection 1 and to enhance the safety of the  
5 general public, the judicial district departments  
6 of correctional services, in cooperation with the  
7 department of corrections and the department of human  
8 services, shall designate a facility for persons who  
9 are placed in a transitional release program under  
10 chapter 229A or discharged from commitment as a  
11 sexually violent predator under chapter 229A because  
12 the person is in need of medical treatment.>

**By** FRY of Clarke

**H-8069** FILED FEBRUARY 28, 2012

**HOUSE FILE 2335**

**H-8070**

1 Amend the amendment, H-8044, to House File 2335 as  
2 follows:

3 1. Page 1, by striking lines 2 through 17 and  
4 inserting:

5 <\_\_\_\_. Page 9, after line 10 by inserting:

6 <1A. As a condition of receiving an appropriation  
7 in subsection 1 and to enhance the safety of the  
8 general public, the judicial district departments  
9 of correctional services, in cooperation with the  
10 department of corrections and the department of human  
11 services, shall designate a facility for persons who  
12 are placed in a transitional release program under  
13 chapter 229A or discharged from commitment as a  
14 sexually violent predator under chapter 229A because  
15 the person is in need of medical treatment.>>

**By** FRY of Clarke

**H-8070** FILED FEBRUARY 28, 2012

**HOUSE FILE 2336**

**H-8055**

1 Amend House File 2336 as follows:

2 1. Page 2, line 19, by striking <15C.205> and  
3 inserting <15C.205 159A.16>

4 2. By renumbering as necessary.

**By** DRAKE of Cass

**H-8055** FILED FEBRUARY 28, 2012

HOUSE FILE 2336

H-8066

1 Amend the amendment, H-8055, to House File 2336 as  
2 follows:

3 1. Page 1, line 2, by striking <<15C.205>> and  
4 inserting <<15G.205>>

5 2. Page 1, line 3, by striking <<15C.205>> and  
6 inserting <<15G.205>>

7 3. By renumbering as necessary.

**By** DRAKE of Cass

H-8066 FILED FEBRUARY 28, 2012

HOUSE FILE 2337

H-8054

1 Amend the amendment, H-8041, to House File 2337 as  
2 follows:

3 1. Page 2, after line 1 by inserting:

4 <\_\_\_\_. Page 11, by striking lines 34 and 35.>

5 2. By renumbering as necessary.

**By** JACOBY of Johnson

H-8054 FILED FEBRUARY 28, 2012

HOUSE FILE 2337

H-8056

1 Amend House File 2337 as follows:

2 1. Page 2, by striking lines 27 through 29.

3 2. By renumbering as necessary.

**By** SCHULTZ of Crawford

H-8056 FILED FEBRUARY 28, 2012

HOUSE FILE 2337

H-8062

1 Amend the amendment, H-8039, to House File 2337 as  
2 follows:

3 1. Page 1, after line 11 by inserting:

4 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 130, section 61,  
5 subsection 3, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. d. Of the moneys appropriated in  
8 this section for the operation of field offices, the  
9 department shall allocate \$250,000 for the purpose  
10 of funding virtual access points of field offices at  
11 public libraries.>>

12 2. By renumbering, redesignating, and correcting  
13 internal references as necessary.

**By** THOMAS of Clayton

H-8062 FILED FEBRUARY 28, 2012

HOUSE FILE 2351

H-8064

1 Amend House File 2351 as follows:

2 1. Page 15, after line 21 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. 9B.21B Fees ----  
4 certification.

5 The secretary of state shall collect the following  
6 fees, for use in offsetting the cost of administering  
7 this chapter:

8 1. For furnishing a certified copy of any document,  
9 instrument, or paper relating to a notary public, one  
10 dollar per page and five dollars for the certificate.

11 2. For furnishing an uncertified copy of any  
12 document, instrument, or paper relating to a notary  
13 public, one dollar per page.

14 3. For certifying, under seal of the secretary  
15 of state, a statement as to the status of a notary  
16 commission which would not appear from a certified  
17 copy of documents on file in the secretary of state's  
18 office, five dollars.

19 4. For authorizing an Iowa notary public to perform  
20 electronic notarization for the term of the notary's  
21 commission, ten dollars.>

22 2. Title page, line 1, before <and> by inserting <,  
23 providing for fees,>

24 3. By renumbering as necessary.

**By** HAGENOW of Polk

H-8064 FILED FEBRUARY 28, 2012

HOUSE JOINT RESOLUTION 2009

H-8061

1 Amend the amendment, H-8032, to House Joint  
2 Resolution 2009 as follows:

3 1. Page 1, by striking lines 1 through 30 and  
4 inserting:

5 <Amend House Joint Resolution 2009 as follows:

6 \_\_\_\_\_. By striking everything after the resolving  
7 clause and inserting:

8 <Section 1. The following amendment to the  
9 Constitution of the State of Iowa is proposed:

10 Article I of the Constitution of the State of Iowa  
11 is amended by adding the following new section:

12 Right to acquire, keep, possess, transport, carry,  
13 transfer, and use arms. SEC. 1A. The right of the  
14 people to keep and bear arms, as herein expressed,  
15 shall not be infringed.

16 The right of an individual to acquire, keep,  
17 possess, transport, carry, transfer, and use arms to  
18 defend life and liberty and for all other legitimate  
19 purposes is fundamental and shall not be infringed  
20 upon or denied. Mandatory licensing, registration, or  
21 special taxation as a condition of the exercise of this  
22 right is prohibited, and any other restriction shall be  
23 subject to strict scrutiny.

24 Sec. 2. REFERRAL AND PUBLICATION. The foregoing  
25 proposed amendment to the Constitution of the State of  
26 Iowa is referred to the general assembly to be chosen  
27 at the next general election for members of the general  
28 assembly and the secretary of state is directed to  
29 cause the same to be published for three consecutive  
30 months previous to the date of that election as  
31 provided by law.>

32 \_\_\_\_\_. Title page, by striking lines 1 through 3 and  
33 inserting <A Joint Resolution proposing an amendment  
34 to the Constitution of the State of Iowa relating  
35 to an individual's right to acquire, keep, possess,  
36 transport, carry, transfer, use, and bear arms.>>

37 2. By renumbering as necessary.

**By** HORBACH of Tama

H-8061 FILED FEBRUARY 28, 2012

# Fiscal Note

*Fiscal Services Division*



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**HF 398** – Interference with Official Acts (LSB 2205HV)

Analyst: Beth Lenstra (Phone: 515-281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))

Fiscal Note Version – New

Requested by Representatives Ako Abdul-Samad, Deborah Berry, Ruth Ann Gaines

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## **Description**

**House File 398** changes the focus of the crime of interference with official acts from injuries inflicted by the defendant to injuries sustained by the official.

## **Background**

### **Correctional and Fiscal Information**

1. Current law provides for a graduated system of penalties for interference with official acts, ranging from a simple misdemeanor to a Class C felony depending on circumstances of the crime.
2. According to the Justice Data Warehouse, in FY 2011 there were 6 charges for Class D felony interference with official acts involving injury that resulted in convictions not-as-charged (usually for a lesser offense). During FY 2011, there were 58 charges for aggravated misdemeanor interference with official acts involving injury that resulted in convictions not-as-charged.
3. Offenders convicted of a simple misdemeanor offense are not supervised in Iowa's corrections system. They usually are sentenced to a financial penalty or community service, or some combination thereof.
4. For Class D offenders convicted of interference with official acts, 20.0% are sentenced to prison and 80.0% are sentenced to probation. Of those sentenced to probation, 40.0% are sentenced to a Community-Based Corrections (CBC) residential facility.
5. For aggravated misdemeanants convicted of interference with official acts, 9.9% are sentenced to prison, and 45.0% are sentenced to probation. Of those sentenced to probation, 1.1% are sentenced to a CBC residential facility. Approximately 48.9% are sentenced to jail for an average length of stay of 28 days.
6. The average length of stay in prison for Class D felons is 20.6 months. The average length of stay on parole upon release from prison is 13.7 months. The average length of stay in prison for aggravated misdemeanants is 9 months. The average length of stay on parole upon release from prison is 5.3 months. The marginal cost per day is \$15.59 for prison. The average cost per day for parole is \$3.49.
7. The average length of stay on probation for Class D felons is 30.8 months. The average length of stay on probation for aggravated misdemeanants is 18.1 months. The average cost per day for probation is \$3.49.
8. The average length of stay for offenders sentenced to a CBC facility is 5.6 months with an average daily cost of \$11.50 (local income is 93.9% of this cost). Generally, these offenders are released to probation supervision.

9. The current waiting list for CBC residential facilities is approximately 800 offenders. This number includes offenders waiting in the State prison system, parole, probation, county jails, or the federal prison system.
10. The State prison population consisted of 8,459 offenders on February 21, 2012. This is 117.3% of capacity.
11. The cost for indigent defense of one simple misdemeanor case is \$300. The cost for an aggravated misdemeanor or Class D felony case is \$1,200.
12. The average cost for the Judicial Branch for one simple misdemeanor case is \$27, depending on whether a magistrate or District Associate Judge hears the case. The average cost per case for an aggravated misdemeanor is \$205 for a bench trial. The average cost per case for a Class D felony is \$417 for a bench trial.

### **Minority Data Information**

1. The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2010 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.3% of Iowa's population is white. The composition of the remaining 7.7% is: 2.5% black, 0.4% American Indian or Alaska Native; 1.5% Asian, 0.1% Hawaiian or Other Pacific Islander, 1.8% is of two or more races; and 1.4% unknown.
2. Iowa's prison population consisted of 8,778 offenders on June 30, 2011. Men comprised 92.2% of the population. According to the Criminal and Juvenile Justice Planning Division of the Department of Human Rights, the racial composition of the prison system was: 64.7% white; 25.9% black; 0.8% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. A total of 6.7% of Iowa's prison population identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
3. According to the Department of Corrections, 74.8% of offenders on CBC supervision on June 30, 2011, were men. Approximately 78.2% of these offenders are white; 14.4% are black; 4.9% are Hispanic or Latino; 1.0% are American Indian or Alaska Natives; 1.0% are Asian or Pacific Islander; and 0.5% were of unknown race.
4. There were a total of 2,693 offenders convicted in FY 2011 of interference with official acts. Convictions were as follows: 2,253 simple misdemeanors, 11 serious misdemeanors, 151 aggravated misdemeanors, and eight Class D felonies. The table below shows FY 2011 convictions for interference with official acts by offense class and ethnicity.

**FY 2011 Convictions for Interference With Official Acts**

Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian	Percent Other
Simple Misd.	63.5%	28.5%	4.9%	1.1%	0.7%	1.3%
Serious Misd.	72.7%	27.3%	0.0%	0.0%	0.0%	0.0%
Agg. Misd.	56.3%	37.1%	3.3%	0.7%	0.0%	2.6%
Class D Felony	37.5%	25.0%	12.5%	25.0%	0.0%	0.0%
Total Convictions	63.1%	29.0%	4.8%	1.1%	0.6%	1.4%

## **Assumptions**

### **Correctional and Fiscal Information**

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
3. The law will become effective July 1, 2012. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
4. Under the Bill's provisions, more charges will result in convicted-as-charged. Approximately half of the convictions currently being convicted not-as-charged will be convicted-as-charged under the Bill.
5. Half of the offenders convicted are indigent.
6. These will be bench trials.
7. There will be an increase in county jail sentences for aggravated misdemeanor convictions.
8. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jails is \$15.00 per day.

### **Minority Data Information**

1. The impact on minorities will remain consistent with FY 2011 convictions. A significant percentage of offenders convicted in FY 2011 of interference with official acts were minorities.
2. Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

## **Summary of Impacts**

### **Correctional Impact**

It is estimated that there will be 29 offenders annually convicted of an aggravated misdemeanor and three offenders annually convicted of a Class D felony under this Bill that are convicted of a simple misdemeanor under current law. On an annual basis, these offenders will be sentenced as follows: four to State prison (one Class D felon and three aggravated misdemeanants), one Class D felon to a CBC residential facility then released to probation supervision, 17 (one Class D felon and 16 aggravated misdemeanants) to probation supervision, and 14 aggravated misdemeanants to jail.

There will be two offenders admitted to prison in FY 2013, and four annually thereafter. The prison population will increase by two offenders in FY 2013, four offenders in FY 2013, and five offenders annually thereafter. The population increases by more than the number of admissions because the average length of stay in prison generally exceeds one year.

On an annual basis there will be one additional admission to a CBC residential facility. The offender will be released to probation upon successful completion of the residential program. Note there are currently offenders waiting to enter CBC residential facilities.

There will be 17 offenders sentenced to probation supervision annually. The probation population will increase by seven offenders in FY 2013, 17 offenders in FY 2014, 18 offenders



in FY 2015, and 19 offenders annually thereafter. The population increases by more than the number of admissions because the average length of stay on probation supervision generally exceeds one year.

There will be seven offenders sentenced to county jails in FY 2013. There will be 14 offenders sentenced to jail annually thereafter. The average length of stay is 28 days so the county jail populations are not anticipated to significantly increase.

### **Minority Impact**

It is anticipated this Bill will have a disproportionate impact on minorities because approximately 36.5% of offenders convicted under the Bill's provisions may be minorities. Under current law, these simple misdemeanor offenders are not supervised in the corrections system. This Bill shifts simple misdemeanor convictions to aggravated misdemeanor or Class D felony convictions. There will be an increase in the number of minority offenders supervised in the corrections system.

### **Fiscal Impact**

The fiscal impact is estimated to be an increased cost to the State General Fund of \$20,600 in FY 2013 and \$76,600 in FY 2014. The table below shows the impact by areas within the State criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the corrections system exceeds one fiscal year.

**State General Fund Fiscal Impact**

	FY 2013	FY 2014
Court System	\$3,100	\$6,300
Indigent Defense	7,200	14,000
Prison	5,700	25,600
CBC	4,600	30,700
Total	<u>\$20,600</u>	<u>\$76,600</u>

The CBC District Departments will incur an additional \$1,800 in local funding costs annually for the operation of the CBC residential facilities.

The impact on county budgets for jail operations is expected to be \$5,900 annually (\$15.00 per day x 28 days x 14 offenders).

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
Judicial Branch

/s/ Holly M. Lyons

February 28, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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